

## REMARKS

### I. Status of Claims

Claims 19–33 are pending in the current application, with claims 19 and 29 being independent. Claims 19, 21, 27, and 29 are currently amended.

Claims 21-23 and 27-28 are objected to because of minor informalities.

Claims 19-23 and 25-33 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by USPGPUB 2006/0102398 to Mizuno (hereinafter “Mizuno”).

Claim 24 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mizuno.

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

### II. Common Assignees

The Applicant respectfully notes that the current application and Mizuno have common assignees.

### III. Claim Objections

The claims have been amended to obviate any perceived ambiguity. More specifically, claim 21 is amended to depend from claim 20, and claim 27 is amended to depend from claim 25. Accordingly, the Applicant respectfully requests withdrawal of the objections to claims 21-23 and 27-28.

### IV. Pending Claims

#### i. Claim 19

Independent claim 19 stands rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Mizuno.

The Applicant respectfully submits that claim 19 is patentable over the cited reference at least because it recites, *inter alia*, “...high voltage wiring, which connects at least one of the fuel cell and the load to the power control unit, the high voltage wiring being provided in a longitudinal direction of a vehicle along an inner side of a first side member of the vehicle on a first side of the vehicle, which is either a left or a right side of the vehicle...” and “...a fuel line

for supplying a fuel gas to the fuel cell from the fuel gas supply source, the fuel line being provided in the longitudinal direction of the vehicle along an inner side of a second side member of the vehicle, which is provided opposite to the first side member and which is opposite to the first side on which the high voltage wiring is provided, in manner such that the high voltage wiring and the fuel line are spaced apart from one another in a lateral direction of the vehicle....”

With respect to Mizuno, the hydrogen cylinders 18 and the storage battery 40 described therein each extend across upper surfaces of the two frame rails 21, 22, and are fixed to the body frame 20 via brackets. In addition, the PCU 50 of Mizuno is laid on, or over, upper surfaces of the center cross members 25, 26, and is fixed to the body frame 20 via a bracket. That is, the hydrogen cylinders (i.e., fuel gas supply source), the storage battery (i.e., power storage means) and PCU are arranged on or over the frame rails and only the lines and wires between these components are arranged under the frames. In addition, because the cylinders and battery extend across upper surfaces of the two frame rails, the end portions, where lines or wires are connected, are located in/outside of the frame rails and are not provided along an inner side of the frame rails (*See* FIG. 3 and paragraph [0025]).

In contrast to Mizuno, in the invention of claim 19, the high voltage wiring and fuel line are provided in a longitudinal direction of a vehicle along inner sides of the first side member and the second side member, respectively. The Applicant respectfully submits that Mizuno does not teach such an arrangement.

Therefore, Mizuno does not teach or suggest each and every limitation of the invention of claim 19.

Further, the Applicant respectfully submits that the other references of record do not address the deficiencies of Mizuno because they do not identify the reason why a person of ordinary skill in the art would have been prompted to modify Mizuno in the manner as claimed by the Applicant. *See KSR Int’l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007).

Accordingly, the Applicant respectfully submits that, for at least these reasons, claim 19 and its dependent claims are patentable over the cited references.

ii. **Claim 29**

Independent claim 29 stands rejected under 35 U.S.C. § 102(c) as allegedly being anticipated by Mizuno.

The Applicant respectfully submits that claim 29 is patentable over the cited reference at least because it recites, *inter alia*, "...wherein the fuel cell, the power storing device and the fuel supply source are arranged in a row, in that sequence, in the longitudinal direction of the vehicle...." (emphasis added)

The Applicant respectfully submits that Mizuno does not disclose a fuel cell vehicle having a fuel cell, a power storing device, and a fuel supply source, arranged, in that order, sequentially in a row as required by the invention of claim 29. Instead, Mizuno describes an arrangement where the fuel gas tank (i.e., fuel gas source) and the fuel cell are disposed close to each other. For example, paragraph [0008] of Mizuno states that:

[0008] In a preferred form of the fuel cell equipped vehicle of the invention, the fuel gas tank, the fuel cell, the storage battery, and the electric power control unit may be arranged in that written order in a longitudinal direction relative to the vehicle, below the floor of the passenger compartment. **Therefore, since the fuel gas tank and the fuel cell are disposed close to each other, complicated piping for the supply of the fuel gas from the fuel gas tank to the fuel cell can be avoided.** Since the fuel cell, the storage battery and the electric power control unit are disposed near to one another, complicated wiring for the electrical connections between these components can be avoided. It is preferable that the fuel gas tank, the fuel cell, the storage battery, and the electric power control unit be arranged in that order from the rear to the front of the vehicle. With this arrangement, the operation of charging the fuel gas tank with the fuel gas can be performed at a rearward site on the vehicle, as in conventional fuel cell equipped vehicles. (emphasis added)

In other words, Mizuno appears to teach away from the arrangement of the invention of claim 29 because it suggests that such an arrangement would complicate piping. The Applicant respectfully submits that it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Therefore, for at least these reasons, the Applicant respectfully submits that claim 29 and its dependent claims are patentable over the cited references.

**V. Conclusion**

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Date: January 28, 2009

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